

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-0566V

Filed: November 4, 2015

Unpublished

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RAFAEL CORREA and ZAPHIRA  
BRITO, on behalf of A.C., a minor,

Petitioners,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Rotavirus Vaccine; Intussusception;  
Surgical Intervention; Special  
Processing Unit ("SPU")

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*John Howie, Jr., Howie Law, P.C., Dallas, TX, for petitioner.*

*Adriana Teitel, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On June 3, 2015, petitioners filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act" or "Program"), on behalf of their minor daughter A.C. The petition alleges that A.C. suffered intussusception due to the rotavirus vaccine she received on July 3, 2012. Petition at 1 (preamble). The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On November 2, 2015, respondent filed a Rule 4(c) report in which she conceded entitlement to compensation. Respondent's Rule 4(c) Report at 1, 5. Specifically, respondent stated that the facts supported a finding that A.C.'s intussusception more likely than not was caused-in-fact by the administration of the rotavirus vaccine on July 3, 2012. Additionally, the medical records documented that A.C. was hospitalized for

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

surgical intervention for the treatment of her intussusception, a fact which satisfies a legal prerequisite to compensation. *Id.* at 5.

**In view of respondent's concession and the evidence of record, the undersigned finds that petitioners are entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master